1924. File No. 201-21,

Previous References (Jaffna)

Serial Nos.

Later references.

LR 31-(12)
LR 212-41-(1922)

(2)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

Part B for June 1926

SUBJECT

Reports re the management of the lands belonging to Devale at Kayts, Vaddukoddai Taluk and recommends the levy of full assessment on all the holdings in the Devale village in question.

G.O. No. 1635-6
dated 2 & 26

To the Govt. Agent
" Comptroller.

Only the Swabhika lands should be considered to be under Govt. management as that the Devale lands are not alienated by the encroachments & suitable action to be taken to prevent any unauthorized alienation of the lands by them.

G. R. S. 11] 1923

GENERAL AND REVENUE SECRETARIAT.

(Inam)

NOTES.

File No. /

FILE HEADING.

Management of the lands belonging to Darga at Kesarmadu, Tumkur Taluk.

From

The Inamdar Commr in Mysore.

R No. 127 Dated 5-1-1925 Received

Diary No. 1109	Enclos. 12 2c Spare Copies. —	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Reports with Ref. to the last para of G.O. No. 585 2-5-24, that as ordered by him, the levy of betterment on all the holdings in the Kesarmadu village is quite equitable in as much as the makandars will participate in the increase

NOTES AND ORDERS.

Since after fixing a regular scale they would be remunerated in cash for their services, and be relieved of the burden of attending to the repairs of the Darga as the provision will have been made in the scale fixed

NOTES—First Sheet.

G. R. S. III-2,

General and Revenue Secretariat. | File No. 1211.

Serial No.

1 While passing orders in muz. appeal no. 5 of 1923-4, relative to the appointment of a manager to the Darga at Kalarmadu Village, the H.E. member of Council was pleased to point out that as the lands belonging to the Darga were under Govt. management, it was not understood what was meant by appointing a person to the management of the lands and that the local officers had the power of leasing out or otherwise disposing of the produce of the lands in the best interests of the institution.

2 The muz. Amin has now reported on this point. His letter fully explains the facts of the case. He thinks that the levy of fasle assessment as per Survey and Settlement of 1914-20 on all the holdings in the village is quite equitable.

NOTE—Contn. sheet

G. R. S. III-2.

General and Revenue Secretariat.

File No. 20/ of 19

Serial No.

3) Re the member's direction that the local officers had the power of leasing out the lands of the Darga; it will be seen from the Sub Divl officer's Report that all the lands of the village have since the settlement, come under private holdings and the income of the Darga limited to the kandayam finally fixed on these lands and that it is not possible to lease them out as the lands now permanently stand in the name of private individuals as recognized holders thereof. Submitted

MZ
15-1-29

4) Govt have in their order no. 1582/mun. 98-23-5 & 2-5-24 observed that the power of leasing out or otherwise disposing of the produce of the lands in the best interests of the institution will have to be exercised by the local

NOTE—Contn. sheet

The Bd Comr has in a lengthy* letter shown how with the exception of madapaka lands, the lands endowed to the institution have become the holdings of private individuals neither they having been made out in their names, and how it is not possible to lease them out & in the interest of the Dargah. This is the case in view of the order of the Board to that effect confirmed "tax free" subject to the object of the grant is fulfilled, the object being "for the support of the Dargah" (vide col 8 of the Board's)

* Vide Cols 1920. of the Board's

This is main matter

N.

The Mur. Comr is of the opinion that as the survey settlement has been introduced in the village, the occupancy rights of the holders have been recognised & the Dargah cannot therefore expect anything more than the survey assessment on the lands; and that the levy of full assessment on all the holdings

G. R. S. III-2.

General and Revenue Secretariat.

File No. 191 of 1924

Serial No.

would be equitable, and will be beneficial both to the Dangis and the Malcandars.

~~[illegible]~~

6) Orders are solicited as to whether the Mag Conr may be replied that Govt agree in his views & that action may be taken accordingly?

Sd
26.1.25

7) Are all the lands, except the Mashyak, in the enjoyment of Malcandars, and are they entered as Pattadars during Survey & Settlement or are there others also entered as such?

Sd
27.1.25.

8) D(P. Secretd - There is no enquiry on the point in the records.

Sd
27.1.25

AP
27.1.25.

9) Secretariat see the Annexure appx of 30.4.20.

10) While the appeal of Syed Peer Syed

NOTE—Contn. sheet

Serial No.

Shah Khadri & Syed Amir Badashah Khadri against the order of the Asst Comr in the matter of the appointment of the Managership of the Dargah at Kesaramadu was before Govt, the Asst Comr sent up a recommendation made by the Dy Comr that the hereditary in possession & enjoyment of the lands of the Dargah should not be required to pay full assessment on the lands in their possession. While passing orders in the appeal case it was observed in the last para of the order that it is presumed that the lands belonging to Dargah are leased out to the best interests of the temple.

2) With refee to this order, it is now pointed out that Survey & Settlement has been introduced into the Kesaramadu Inam village, the whole of which is endowed to the Dargah as Devadaya Inam, and that it is not possible to lease out the lands as directed by Govt, as the occupancy rights of the villagers are recognised. The Dy Comr in his letter dated 10th Nov. 1924 pleads strongly in favour of the Inamdars Hereditary Archakas and recommends to his recommendation that they may be allowed to enjoy their holdings free of any tax, as they in their memorial. His view is that the Inam — Kesaramadu village — though termed Devadaya Inam — is really a Hereditary Inam. [illegible]

NOTE—Contn Sheet

family, and as the Inam was Confirmed rent free during the Inam Settlement (vide Inam Settlement Register), they have been Enjoying the lands, as per appertainment made by Col Dobbs in 1860, rent free, and shall be allowed their Mamool rights. But the Dy Com seems to forget the fact that the Inam was Confirmed rent free so long as the object of the Grant was fulfilled. It was because the object of the Grant was not properly fulfilled, and the intended Services not properly performed that the Institution and its Endowments were ordered to be taken under Govt management in 1906. (vide Dy Com's letter of 10th Nov. 1906 JL B). And It was also directed in this order that a proper Scale of Expenditure Shall be fixed, but this has not been done so far, and the Inamdars also seem to have Enjoyed the lands rent free as before. The question only arose with the institution of Survey Settlement. The Dy Com in 1920, and the then Dy Com Mr Anandarao Sirsi instituted an Enquiry into the matter, & on the receipt of the report of the Amildar (JL R) and of the Sub Divl Officer (JL C), the Dy Com passed an order that the petitioners

Contn sheet

General and Revenue Secretariat.

File No. 26 of 19

Serial No.

Shall pay full assessment on the lands (vide order dated 3.1.21 Pl.g). An endt was again issued to the petitioners on 3.1.21 that their prayer could not be recommended. The Board's report of 19-10-21 (Pl.K) shows that the Dargah is dilapidated & the lands neglected, because the Mahandars used all the income of the lands to themselves, without spending anything for the Dargah & lands. The Mahandars have failed to prove their right to enjoy the lands ~~rent free~~ on their holding rent free. The arrears for the past 4 years has accumulated to Rs 6590 4 4

It appears that the concession recommended by the Dy Coll has to be rejected, and immediate steps ordered to be taken for the recovery of the arrears. If they don't pay, the lands in their holdings may be resumed for the Dargah. As stated by the Revenue Court, a scale of expenditure shall be immediately fixed for the Dargah, so as to allow a sufficient reserve fund to meet the cost of repairs etc.

(1) 13) The case was taken with the appeal petitions on which orders were passed. No orders have been passed on this petition. Submitted.

(Asst Member) 29.2.25

Rev Secy) 12) The M.C's proposal may be approved. There is no good reason to grant the lands free to any one.

12.2.25

The recognition of the tenures as Cultivating tenants does not seem to be sustainable. It is perhaps too late to take up the question in the matter.

NOTE—Contn Sheet

16.2.25

G.R.S. III-21

File No. of 19 .

General and Revenue Secretariat

Serial No.	

General and Revenue Secretariat.

File No. 201 of 1924

1109

Serial No.

1st) draft [illegible]
as per orders of the former 1st member
for approval.
[illegible]
31.5.26

2nd member)

2nd) [illegible]
1.6.26

1/6

473/1.6

C.R.O. 13626/26 Dte 2nd 1/6

5 To, mur Commr of Comptr
No 1635-B dt 18.6.26.

Directs that the inamdars holding lands in inam Kasar-mudu endowed to the Durga may not be reqd to pay full assessment on their holdings, that the Maddika lands alone be managed by Forest Agency & that the local officers be asked to see that the lands are not alienated by the Encroachers

B 917

NOTE—Contn Sheet

GRS II 2]

Revenue File No. 201 of 19[illegible]

Land and Revenue Secretariat

1109

Serial No.

[illegible]

5) Memo. F. No 98 23 Confirming G.O. Ms 2.5.24 in reference No. 5 of 23-24, is submitted (Draft attached).

Endorsing

14.4.25.

306/14 (Secretary)

Serial No.

(Read with Cuddapah file no 901-24)

NOTE—Contn Sheet

G.R.S. III-2]

File No. of 19 .

General and Revenue Secretariat

Serial No.

No. R Dis 12 [illegible] Office of the Muzrai Commissioner in Mysore.

Dated Bangalore, 3rd January 1925.

From

K. Chandy, Esquire., B.A.,

Muzrai Commissioner in Mysore,

Bangalore.

To

K. V. Anantaraman, Esquire., B.A.,

Secretary to the Government of

His Highness the Maharaja of Mysore,

Revenue Department.

Referring to the last para of Government order in Muzrai Appeal No.5 of 23-24 observing that as the lands belonging to the Darga at Kesarmadu in the Tumkur Taluk are under Government management, the power of leasing out or otherwise disposing of the produce of the lands in the best interests of the institution will -- have to be exercised by the local officers so long as the management of the lands vests in Government, I have the honor to state that on a communication of this order to the Taluk the Amildar -- reported that during the Survey and Settlement of the village in 19-20 the occupancy rights of the holders of the lands were ---- recognised and pattas also made in their names that the annual -- jamabandi of the village amounted to Rs.1743-10-4, that the ---- accrued arrears for the past 4 years aggregated Rs.6590-1-0 and that in this circumstance, it was not possible to deprive the --- present holders of their lands and lease them out. The Deputy Commissioner in his letter No.H.C.24 of 24-25 dated the 10th ---- November 1924, copy of which is herein enclosed, recommends that except the maddika lands the annual assessment of which amounts to Rs.434-12-0 all the rest of the lands in the village assessed at Rs.1483-4-0 and in the enjoyment of the makandars may be allowed to be enjoyed rent free as heretofore by the present holders who are the descendants of the saint in return of their attending to the up-keep of the Darga and the annual maintenance of the village

tank after it is restored, the income from the Maddika lands being available for the daily and annual services in the Darga, payment of the local and other cesses due to Government, payment of the potgi of the village officers and for the feeding of the poor. Since the -- Survey settlement has been introduced and the occupancy rights of the holders of all lands in the village including the Madyak lands have been recognised at the time, the Darga cannot expect anything more than the Survey assessment on the lands, In this circumstance, I think that as already ordered by me in this office No.C.645 dated 16th June 1923 the levy of full assessment on all the holdings in the village is quite equitable, in as much as the makandars will -- participate in the income since after fixing a proper scale of ---- income and expenditure for the Darga, they would be remunerated in cash for their services to the Darga and at the same time be relieved of the burden of attending to the up keep of the Darga as due provision will be made in the scale for sufficient reserve to meet the cost of repairs etc., This would appear to be more satisfactory than the - Deputy Commissioner's proposal.

2. The records received with the Deputy Commissioner's letter are herein enclosed for reference and kind return.

I have the honor to be,

Sir,

Your most obedient servant,

for Muzrai Commissioner.

Consent from station

Letter No.H.C.64/24-25 dated 6/10th November 1924 from the Deputy Commissioner, Tumkur District to the Muzrai Commissioner in Mysore.

"With reference to your No.App.5 of 24-25 dated 26th July 1924, forwarding petition of Syed Peer Gayab Sha Khadri and two others of -- Kesaramadu village in the Tumkur Taluk and requiring me to issue --- necessary instructions to the subordinate officers in the matter of the management of the Darga that status quo should remain, I have the ----- honor to state that necessary action has been taken to give effect to your order and also to state as follows:--

2. Regarding the main point urged in the appeal petition viz. the alleged fact that the Inam village has been confirmed free of tax in the name of Mrutuze Pad Shah Khadri in the Inam Commissioner's order dated the 28th March 1870, it will be seen from the Inam Register, copy of which is enclosed in the accompanying file (flag A) that it is not only the said Mrutuze Bad Sha Khadri father of the appellant- petitioner, whose enjoyment of the village has been confirmed, but also that of his co-sharers, among whom Syed Mohadeen Bad Shah Khadri - the opponent and his discendents are also included, since his relationship by blood with the original Saint, has already been established after an exhaustive - enquiry (vide Government order in their appeal case No.2 of 1920-21.) As such the above Syed Mohadeen Bad Shah Khadri who was appointed as Manager of the Darga lands, as per your order No.C.645 of 22-23 dated the 14/16th June 1923, cannot be said to be a <u>foreigner</u> as alleged by the appellant - petitioner and as not entitled to manage the affairs in the Inam village. As already reported, the appeal petitioner-Syed -- Peer Gayab Sha Khadri who was appointed by Government as patel and Manager of the village on their behalf, after it was taken over to their management was found not only to be unpopular in the village but had been actually harassing the other co-sharers and was also the main -- cause for factions, his removal from the said office was recommended in this office No.H.C.38 of 21-22 dated the 14th April 1923, as also the appointment of the opponent, who was elected by a majority not only of the people in the village, but of all the co-sharers, whose votes were recorded in the course of the enquiry in the village in the presence of the contending parties, the Amildar and the Sub Division Officer etc

and myself as manager of the Darga and also of the lands. Your were accordingly pleased to approve the above recommendation so far as it related to the management of the lands, but with regard to the affairs of the Darga, proper scale of expenditure was ordered to be drawn up for which definite proposals from the Taluk have been called for and will be submitted in due course. The management of the Darga and the management of the lands no doubt form different matters. With regard to the observation made in the last para of Government Order in Muzrai Appeal No.5 of 1933-34, I have to state that though the management of the village vests in Government, it is only the Maddek lands which are about 156 acres 16 guntas assessed at Rs.434-12-0 that are available to Government for disposal either by lease or assessment. The other major portion of thelands about 627 acres 26 guntas assessed at Rs.1,483-4-0 are and have been in the exclusive possession of the descendents of the original Saint free of any tax from time immemorial.

3. Though the endowment is termed in the Suit Rent Register as Devadaya Inam, yet it will be seen from the reference quoted in the Inam Register such as Nawab Hyder Ali Khan's Sannad of 1780 Tippu Sultan's sannad of 1783 Dewan Poorniah's Sannad of 1799, that the village has been given over to the Saint's family in perpetuity without any restriction whatever. The Darga appears to have been built after the demise of the original Saint for whom the village was endowed as Inam, so that the grant in thelst instance was for his personal benefit but subsequently the descendents of the Valli divided the major portion of the lands among themselves and also attended to the support of the Darga, which was built in commemoration of the Saint. As a matter of necessity and obligation, they should have undertaken the maintenance of the tank in the village also. But their holdings have all along been rent free. The above fact may be said to be established by the enquiry conducted by Col.Dobbs Superintendent, so long back as in the year 1860, copy of which is also enclosed in the file (Flag B). It is only the income of these Maddak lands that has been available for the daily and annual services in the Darga, payment of local and other cesses due to Government Potgi of the Shanbhogue, who has to write accounts and for the feeding of the poor. The term Devadaya can, therefore, be said to be applicable in the case of this village only, so far as the Maddak

lands are concerned. Any how, it is not necessary now to go back and question the decision re the propriety of the nature of the Inam in the Inam settlement. Even now, the descendents of the original Saint and their co-sharers are bound by mamool in return to their enjoyment of the lands rent free, to attend to the upkeep of the Darga and the --- annual maintenance of the tank after the latter is restored from the funds of the Institution, which is in savings and also from the ---- contribution of the Inamdars, if necessary. The income of the Maduak lands will be available for other expenses enumerated above.

4. As it is very hard to disturb the right of the Inamdars and require them to pay the full assessment on all their holdings, which they have been enjoying free of any tax from time immemorial, I request that a reference may be made to Government for kind sanction as to the --- continuance of the mamool.

5. For the management of the affairs in the Darga i.e., the ----- performance of the annual Urus and other services in it, and also to see to the upkeep of the Darga itself, a Manager or a Dharmadarsi as in the case of Hindu temples seems to be absolutely necessary. And for the collection of the lease amount or assessment on the Maddak lands and for Police and Revenue duties connected with the village -- an agency to be enswerable to Government is also necessary. As the same person, who will be appointed the Manager of the Darga can also conveniently perform the other duties referred to above, a separate man seems to be superfluous, as it is likely to lead to confusion, misunderstanding and quarrels. I therefore propose that the respondent Syed Mohammad Mohadin Bad Shah Khadri may be appointed as the Manager both for the Darga as well as for the vilage on behalf of Government in place of the 1st ---- petitioner - Syed Peer Gayab Sha Khadri, who has been found to be so --- undesirable a person.

The appeal petition received with your letter under advertance and also the connected records are enclosed."

"C o p"

14 Oct

KSR. From Muzrai Commissioner.

Muz. 7]

SUBJECT.....

Diary No. of letter replied to.....

SECTION Mr. Z

FILE No. 201 - 24

SERIAL No. 4

Muzrai Secretariat

( )

the 192 .

Proceedings of the Government of
His Highness the Maharaja of Mysore

Date of issue 18/6/26

Signed by Mr. N. T

Read—

G.O. No 1582/Muz.
98-23-5 dy 2d. May 1924
observing that, as the lands
belonging to the Darga at
Kogarmadu, Tumkur Taluk,
are under Govt. manage-
ment, the power of leasing
out or otherwise disposing of the
produce of the lands in the
best interests of the endow-
ment have to be exercised by
the Local officers, so long
as the management of the
lands is not in

May this be

i Printed?

ii treated as a standing order?

iii published in the Gazette, English Part?

iv translated?

v placed at the disposal of the press?

vi published in the Gazette, Kannada Part?

Order Thereon No.

Letter no R. Dis 124 dy 5 [illegible]
from the Inamdar Com.
recommending the levy of
full assessment on all the
holdings in the inam Village in
question, which was surveyed
and settled in 19-20.

order No. 1535-5 dy 8/12/24
Govt. HP

The Junkher Dy. Com'rs.
letter no. 359 dy 27.8.1883
to Govt., as also other papers
contained in the records, go to
show that the major portion
of the inam Village was
divided among the several
members of the donee's family,
for their maintenance and,
that the remaining portion
(which are evidently the inadika
lands, referred to by the Dy.
Com'r now, in his letter no.
H.C. 64/24-25 dy 6th Nov. 1924)

L, in Inam 135-1892

List of enclosures.

Copied by

Examined by

WD 0566—2000—GPB—29-7-22

G. R. S. G/33]

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form)

was set apart, for meeting from the Revenue of the expenses of feeding travellers, Jattakas maintaining the Dewagas &c. the surplus of any receipts from these Cards being distributed among the hakeem's Offices in such circumstances, Govt. direct that the view expressed by Govt. Agt. in para 4 of his letter dd 6/10 1st Novr 1924 requesting sanction to the Continuance of the present arrangement may be continued and the mandara not required it is very hard to deprive the right of the villagers to pay their fair assessment on their holdings be upheld, and that it is only the Maddika Land that should be considered to be subject to taxation Govt. under Govt. order of No. 3109—10 dd 8th Decr 1910.

WD 2280—GPB—1,00,000—23 7 20

(Ag. 7. No. 135—7.)

The local officers should
however see that the main
Lands are not alienated by
the occupants and should take
suitable action to set aside
any unauthorized alienations of
the Lands by them.

29/5 Rev Secretary. 27/5/26 CPO 31-5-26

By me Inspr-Gen & with the
records
& Comptr